



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,575	05/14/2004	Paul A. Manfredi	BUR920030054US1	3574
29154	7590	12/21/2007	EXAMINER	
FREDERICK W. GIBB, III			WATSON, JOY L	
Gibb & Rahman, LLC			ART UNIT	
2568-A RIVA ROAD			PAPER NUMBER	
SUITE 304			1792	
ANNAPOLIS, MD 21401			MAIL DATE	
			DELIVERY MODE	
			12/21/2007	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/709,575	Applicant(s) MANFREDI, PAUL A.	
	Examiner Joy Watson	Art Unit 1792	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 December 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☒ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: Please see attached. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1,2,4-8,10 and 21-26.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
Please see attached.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
 13. ☐ Other: _____.

The proposed after final amendment has not been entered because it raises new issues for further search and consideration, such as a screen material as the disposable liner and the screen material further comprising fins.

Response to Argument

1. Applicant's arguments filed December 12, 2007, have been fully considered but they are not persuasive.

2. In response to applicant's argument that the "vertically oriented" fins are supported in applicant's Specification, the applicant fails to show the examiner where the orientation is supported in the argument. The examiner assumes that a typographical error was made and applicant attempted to point examiner to Figure 3. The rejection remains because Figure 3 does not give any indication to the orientation of the fins with respect to the apparatus as a whole.

3. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re*

Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Also Yang and Mahvan teach shields that prevent undesirable material from being deposited on said substrate. Yang's shield does not surround the substrate, but Mahvan's does. One of ordinary skill in the art would have recognized that by surrounding Yang's shield around the entire substrate, bounce back could be prevented around the entire circumference. It would have been obvious to one of ordinary skill in the art use a shield as taught by Yang and modify the shape in order to surround the substrate as taught by Mahvan. Using a known technique such as surrounding the substrate with a shield in order to prevent undesired material from being deposited on said substrate would have been obvious to one of ordinary skill in the art.

4. In response to applicant's argument that the functional recitation that prior art does not teach a shield that eliminates back splatter onto the wafer surface, '843 teaches a sponge (semi-permeable material) which is capable of preventing undesired material from being redeposited on said substrate. Additionally "...a mist and being redeposited into a mist and being re-deposited back on said substrate." is not a positively recited structural feature of the claimed apparatus. It has been help that a recitation with respect to the manner in which acclaimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations . *Ex parte Masham*, 2 USPQ2d 1647 (1987)

5. In response to applicant's argument that neither Yang nor Mahvan teaches a semi-permeable material having absorptive fins, Yang teaches a semi-permeable material (a sponge) having absorptive fins (projections or corrugations) (col. 2 lines 63-65). Regarding the recitation " [S]aid absorptive fins prevents said cleaning fluid and said foreign matter particles from forming into a mist and being re-deposited back on said semiconductor wafer", this recitation is a statement of intended use which does not patentably distinguish over Yang since Yang meets all the structural elements of the claim and is capable of preventing said cleaning fluid and said foreign matter particles from forming into a mist and being re-deposited back on said semiconductor wafer. See MPEP 2114.

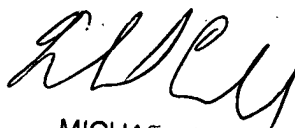
6. In response to applicant's argument that neither Yang nor Mahvan teach or suggest the proposed amended features of Claim 21, the proposed amendment was not entered; therefore, the argument is moot.

7. In response to applicant's argument that Yang does not teach a liner, Yang teaches "...The corrugated piece of sponge 31 is substantially equal in length to the mounting piece 32 so as to cover [or line] the whole inner side of the same." (Yang col. 2 lines 62-65).

8. In response to applicant's argument that prior art does not teach an absorptive fin, Yang teaches a "corrugated piece of sponge" (col. 2 lines 54-67, Fig. 3 item 31) (reads on absorptive sponge). It is inherent that a sponge is an absorptive material and also that a corrugated piece of sponge has fins.

9. In response to applicant's argument that the Yang does not teach fins the examiner notes that corrugations (or parallels folds as stated by applicant in the correspondence filed December 12, 2007) resemble fins, and the "fins" are outward projections that are fixed as seen in Figure 3 and 4.

SLW


MICHAEL CLEVELAND
SUPERVISORY PATENT EXAMINER